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September 22, 2021

VIA ECF

Honorable Valerie Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 443
New York, New York 10007

Re: *In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC*

Dear Judge Caproni:

I represent Defendant/Counterclaim Plaintiff/Third-Party Plaintiff Dr. Michael M. Goldberg, M.D. (“Dr. Goldberg”) in the above-referenced matter. We write on behalf of all parties to request Court approval for adjustment to certain interim dates in the Memo Endorsed Stipulation and Order governing expert discovery. The proposed adjustments maintain the November 30, 2021 deadline for completion of all expert discovery set forth in the original Stipulation and Order. The reason for the request is that Dr. Goldberg’s expert witness suffered a medical emergency that required hospitalization and follow-up care.

Counsel for Plaintiff/Counterclaim Defendant Navidea Biopharmaceuticals, Inc. (“Navidea”) and Third-Party Defendant Macrophage Therapeutics, Inc. (“Macrophage”) consented to our request for a one-week extension of time to serve our expert report to accommodate our expert’s medical issues and the parties’ cooperated to make certain proposed adjustments to other interim dates to accommodate the extension while preserving the November 30, 2021 cutoff date. We respectfully request that the Court approve and So Order the attached Stipulation and [Proposed] Order embodying the proposed changes. The requested adjustments are as follows:

Event	Original Date	Adjusted Date
Serve affirmative expert reports	November 23, 2021	November 30, 2021

Honorable Valerie Caproni, U.S.D.J.

September 22, 2021

Page 2

Provide name, CV and general areas of testimony of rebuttal experts	October 8, 2021	October 15, 2021
Serve rebuttal expert reports	November 8, 2021	November 15, 2021
Inform opposing party whether deposition of rebuttal expert will be conducted	November 12, 2021	November 16, 2021
Proponent of rebuttal expert to provide 3 potential deposition dates between November 22 (formerly November 19) and November 30	November 15, 2021	November 17, 2021
Parties to meet and confer and submit stipulation concerning dates and locations of rebuttal expert depositions	November 17, 2021	November 23, 2021

All other future dates contained in the original Stipulation and Order remain the same.¹

We respectfully request that the Court approved and So Order the enclosed Stipulation and Proposed Order.

Thank for your attention to this matter.

Respectfully submitted,

/s/ Gregory Zimmer, Esq.

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¹ The Court previously approved a one-week extension of time for Dr. Goldberg to identify his affirmative expert witness. That change is also reflected in the enclosed Stipulation and [Proposed] Order.

Honorable Valerie Caproni, U.S.D.J.

September 22, 2021

Page 3

cc: Barry Kazan, Esq.
Karim Sabadin, Esq.
Alain Baudry, Esq.